

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-7 are currently pending. Claim 7 has been added; and Claims 1, 2, and 6 have been amended by the present amendment. The additions and amendments to the claims do not add new matter.<sup>1</sup>

In the outstanding Office Action, Claims 1 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 2002-141821 to Akiyama et al. (hereinafter, “Akiyama”) and U.S. Patent Application Publication No. 2004/0120421 to Filipovic; and Claims 2-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Akiyama in view of Filipovic and further in view of U.S. Patent Application Publication No. 2002/0176364 to Nakamura et al. (hereinafter, “Nakamura”).

Amended Claim 1 is directed to a wireless apparatus, comprising in part:

a digital filter control unit to disable the filtering of the digital signal by said digital filter when *determining from a power level or an amplitude level of the received signal* that the filtering by said digital filter will increase distortion of the received signal. [Emphasis Added]

Claim 1 has been amended to clarify that the digital photo control unit disables the filtering of the digital signal when it determines *from a power level or an amplitude level* of the received signal that the filtering that the digital filter will increase distortion of the received signal. This, as claimed, the power level or the amplitude level of the received signal is used as a factor in determining the disabling of the digital filter.

The Office Action acknowledges that Akiyama does not disclose the claimed digital filter control unit.<sup>2</sup> Rather, the Office Action relies on Filipovic for such teachings by

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<sup>1</sup> See, e.g., page 7, line 30 - page 8, line 9 of Applicants’ specification.

<sup>2</sup> See Office Action dated September 17, 2009, page 3.

associating the claimed digital filter control unit with a control unit (24) described in Filipovic.<sup>3</sup>

Filipovic describes that the control unit (24) sends control signals to selectively enable or disable a digital filter (20) *based on a current wireless protocol being supported*.<sup>4</sup> Further, Filipovic describes that the control unit (24) receives a user input selecting a current wireless protocol, and then enables or disables the digital filter (20) *depending on whether the selected wireless protocol requires digital filtering* in addition to the analog filtering performed by an analog filter (16).<sup>5</sup>

Therefore, in Filipovic, the control unit (24) enables or disables the digital filter (20) based on either a current wireless protocol that is being supported by Filipovic's wireless device, or based on a wireless protocol selected by the user requiring digital filtering. However, there is *no* disclosure in Filipovic that the control unit (24) disables the digital filter (20) based on a determination from a power level or an amplitude level of Filipovic's received signal that the filtering by the digital filter (20) will increase distortion of Filipovic's received signal.

Thus, Filipovic does not disclose or suggest the digital filter control unit, as recited in amended Claim 1.

Thus, no matter how the teachings of Akiyama and Filipovic are combined, the combination does not teach or suggest the digital filter control unit to disable the filtering of the digital signal by said distilled filter when *determining from a power level or an amplitude level of the signal* that the filtering by said digital filter will increase distortion of the received signal, as recited in amended Claim 1.

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<sup>3</sup> Id.

<sup>4</sup> See Filipovic, paragraph [0022].

<sup>5</sup> Id. at paragraph [0029].

Accordingly, it is respectfully submitted that independent Claim 1 (and all associated dependent claims) patentably defines over any combination of Akiyama and Filipovic.

Regarding the rejections of dependent Claims 2-5 under 35 U.S.C. §103(a), Applicants respectfully submit that Nakamura does not remedy the above deficiencies of Akiyama and Filipovic. Accordingly, Applicants respectfully submit that dependent Claims 2-5 patentably define over any combination of Akiyama, Filipovic, and Nakamura.

The present amendment adds Claim 7 for examination on the merits. No new matter has been added.<sup>6</sup> It is respectfully submitted that the features of Claim 7 distinguish from the features recited in Akiyama, Filipovic, and Nakamura.

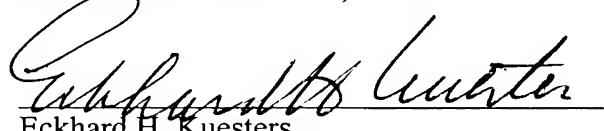
Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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<sup>6</sup> Claim 7 recites features, analogous to the features recited in Claim 1, in a differing scope.